

Introduced by Senator Hernandez

February 27, 2015

An act to amend Section 103577 of the Health and Safety Code, relating to vital records.

LEGISLATIVE COUNSEL'S DIGEST

SB 672, as introduced, Hernandez. Certified records of live birth: homeless persons: fees.

Existing law establishes the State Department of Public Health and sets forth its powers and duties, including, but not limited to, duties as State Registrar relating to the uniform administration of provisions relating to vital records and health statistics. Existing law requires the State Registrar, local registrar, or county recorder to, upon request and payment of the required fee, supply to an applicant a certified copy of the record of a birth, fetal death, death, marriage, or marriage dissolution registered with the official. Existing law authorizes the issuance of certain records without payment of the fee.

Existing law, on and after July 1, 2015, requires each local registrar or county recorder to issue, without a fee, a certified record of live birth to any person who can verify his or her status as a homeless person or a homeless child or youth, as defined.

This bill would make technical, nonsubstantive changes to those provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 103577 of the Health and Safety Code is amended to read:

103577. (a) On or after July 1, 2015, each local registrar or county recorder shall, without a fee, issue a certified record of live birth to any person who can verify his or her status as a homeless person or a homeless child or youth. A homeless services provider that has knowledge of a person's housing status shall verify a person's status for the purposes of this subdivision. In accordance with all other application requirements—as set forth in Section 103526, a request for a certified record of live birth made pursuant to this subdivision shall be made by a homeless person or a homeless child or youth on behalf of themselves, or by any person lawfully entitled to request a certified record of live birth on behalf of a child, if the child has been verified as a homeless person or a homeless child or youth pursuant to this section. A person applying for a certified record of live birth under this subdivision is entitled to one birth record, per application, for each eligible person verified as a homeless person or a homeless child or youth. For purposes of this subdivision, an affidavit developed pursuant to subdivision (b) shall constitute sufficient verification that a person is a homeless person or a homeless child or youth. A person applying for a certified record of live birth under this subdivision shall not be charged a fee for verification of his or her eligibility.

(b) The State Department of Public Health shall develop an affidavit attesting to an applicant's status as a homeless person or homeless child or youth. For purposes of this section, the affidavit shall not be deemed complete unless it is signed by both the person making a request for a certified record of live birth pursuant to subdivision (a) and a homeless services provider—~~that~~ *who* has knowledge of the applicant's housing status.

(c) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the department may implement and administer this section through an all-county letter or similar instructions from the director or State Registrar without taking regulatory action.

(d) For the purposes of this section, the following definitions apply:

1 (1) A “homeless child or youth” has the same meaning as the
2 definition of “homeless children and youths” as set forth in the
3 federal McKinney-Vento Homeless Assistance Act (42 U.S.C.
4 Sec. 11301 et seq.).

5 (2) A “homeless person” has the same meaning as the definition
6 of that term set forth in the federal McKinney-Vento Homeless
7 Assistance Act (42 U.S.C. Sec. 11301 et seq.).

8 (3) A “homeless services provider” includes *all of the following*
9 *individuals or entities*:

10 (A) A governmental or nonprofit agency receiving federal, state,
11 or county or municipal funding to provide services to a “homeless
12 person” or “homeless child or youth,” or that is otherwise
13 sanctioned to provide those services by a local homeless continuum
14 of care organization.

15 (B) An attorney licensed to practice law in this state.

16 (C) A local educational agency liaison for homeless children
17 and ~~youth designated as such~~ *youth, as designated* pursuant to
18 Section 11432(g)(1)(J)(ii) of Title 42 of the United States Code,
19 or a school social worker.

20 (D) A human services provider or public social services provider
21 funded by the State of California to provide homeless children or
22 youth services, health services, mental or behavioral health
23 services, substance use disorder services, or public assistance or
24 employment services.

25 (E) A law enforcement officer designated as a liaison to the
26 homeless population by a local police department or sheriff’s
27 department within the state.